



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

Department of Toxic Substances Control

T -32- 03

For Immediate Release
October 21, 2003

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\$405,000 Settlement Reached with Dr. John Alexander

Sacramento --- The California Department of Toxic Substances Control (DTSC) today announced that it has received a check in the amount of \$405,000 from Dr. John Alexander, ending a cost recovery case that was initiated by the office of the California Attorney General in late 1998. Dr. Alexander operated a nickel catalyst recycling facility at 1753 Sierra Highway in Rosamond.

The five-acre site was part of the Rosamond Cancer Cluster Investigation, and was on the State Superfund list. DTSC conducted an onsite inspection and inventory of waste on the site in 1988, and in the years that followed conducted additional site inspections. In May of 1990, 2,365 drums of containerized waste were removed from the site and contaminated soils were sealed with a polymer coating.

DTSC spent state funds to conduct its work at the John Alexander site, and in August of 1998 a cost recovery case was initiated on behalf of DTSC by the State Attorney General's office. DTSC prevailed during a trial held in the U.S. District Court, Eastern District of California in January of 2001. The court entered judgment in favor of DTSC on March 28, 2002. The court ruled that DTSC was entitled to prejudgment interest, to a declaration of the defendant's liability for future costs, and to reasonable attorney fees and costs in addition to recovery of its outstanding response costs. Dr. Alexander and John Alexander Research appealed the decision.

On August 4, 2003, the United States Court of Appeals for the Ninth Circuit upheld the decision of the District Court. DTSC and Dr. Alexander negotiated the final settlement amount of \$405,000 which covers DTSC costs through September 30, 2000, attorney fees of the Attorney General's office and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) post judgment interest.

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The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

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"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov."